

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's)	CC Docket No. 94-102
Rules to Ensure Compatibility)	
With Enhanced 9-1-1 Emergency)	
Calling Systems)	

To: The Commission

**FURTHER COMMENTS OF NENA
IN RESPONSE TO REQUESTS FOR WAIVER
OF ENHANCED 9-1-1 PHASE II REQUIREMENTS**

I. Introduction

The National Emergency Number Association ("NENA") hereby submits the following additional regarding waivers of the Phase II Automatic Location Identification ("ALI") requirements. (NENA's original comments to the request for waivers were filed on June 10, 1999.)

NENA is the premier 9-1-1 organization in the nation and is solely devoted to 9-1-1. It represents over 6,600 management professionals in key positions within the 9-1-1 industry. A part of NENA's mission includes the setting of

recommended standards by working with the Public Safety Answering Points (“PSAPs”), equipment vendors, and carriers throughout North America.

The purpose of this filing is to address the filings of other parties, and to relay to the Commission NENA’s views on various aspects of the waiver requests, and related issues thereto.

A. PUBLIC SAFETY EMPHASIS

Foremost, NENA reiterates its earlier comments in that the original consensus agreement that worked on the terms of Docket 94-102 was influenced by a shared view of the original consensus parties to enhance public safety. It was recognized by all parties that the introduction of ALI capability to wireless phones would be a significant benefit for public safety communications, and the American public at large. The comments of NENA, and the membership of NENA therefore, are influenced heavily by the consideration that the original rule, and the attendant deadlines, were fashioned primarily-- if not solely -- to serve the public’s collective interests. NENA views any requests for a waiver from those agreed upon, original guidelines as a serious threat to the implementation of Phase II ALI capabilities.

B. TENTATIVE SOLUTIONS OFFERED

NENA specifically wishes to respond to several proposed solutions for the

pending requests for waiver. The tentative solutions that have been proposed by various interested parties are summarized in the following categories:

1. Modified Rule Change allowing Carriers to choose handset location technology with relaxed implementation periods. Under this proposed solution, beginning with the year 2001 carriers would be required to meet certain requirements with respect to new handsets.
2. Modified Rule Change allowing cellular carriers to address the nation's embedded base of phones by October in the year 2004.

While there have been various additional requirements to the above proposals, the proposed rule changes above cover the essence of two proposed solutions. NENA believes that both of these proposed solutions will be inadequate to properly meet the needs of the public safety community, and serve the original intent of the Rule, to provide a timely implementation of Phase II ALI capability for wireless phones.

C. SOLUTION ONE: A POST 2001 MANDATED MARKET PENETRATION SOLUTION

Requiring wireless carriers to introduce GPS-capable handsets is an admirable solution. On its face, this solution, coupled with a proposed or expected market "churn" of 40% annually, appears to be a reasonable solution. The

assumptions surrounding this proposed solution assume that once all handsets are “sold” to consumers, all callers using new phones will be located through GPS-enabled handsets. NENA believes this assumption to be flawed due to the following factors:

1. Analog Areas:

Much of the nation’s areas are currently, and will continue to be, served by analog-only base stations. The market solution ignores the fact that new digital phones, which will likely be dual-band phones, will be operated in rural areas with no existing technology for finding the caller. Assuming that the analog base stations will be compatible with GPS technology also assumes that the industry will be ready for GPS handsets that utilize analog signals. This assumption is very tenuous in that the standard setting body, TIA, has yet to establish a standard for this technology combination. Currently, TIA has set project TR 45.1.1.1 for this very purpose. It is possible, if not likely, the project will not produce a standard in time for the manufacture and implementation of analog – GPS handsets. To assume that a standard will be established in a time for manufacturing and designing a GPS and analog product by January 1,

2001 is clearly a best-case scenario. Moreover, once the protocols are developed and the standard is established to pass geo-location for E9-1-1 calls over the existing analog networks, protocol modifications will need to take place at the cell sites to locate these callers. Carriers that select a network solution will have no need to do this resulting in unlocated 9-1-1 GPS-equipped handsets roaming in their networks. The first concern therefore, is that the vast analog areas of the NATION will not be covered.

2. Roamers, Using Different Digital Signals:

The market solution similarly places a dependence on the development and deployment of compatible digital handsets that have interoperability between the two existing digital formats. While a standard setting effort, similar to analog – GPS effort, is underway, NENA believes reliance on this standard being implemented is unreasonably optimistic. For the same reasons stated above, the market solution assumes that GPS capability handsets will be introduced into the market by January 1, 2000. The lack of a supporting network with digital interoperability, however, may well render the introduced handsets useless for Phase II

ALI purposes.

3. Roaming, From Network Territory to GPS Jurisdiction:

Most parties agree that it is desirable for GPS and Network technologies to compete in the location identification marketplace. With the introduction of GPS technology, however, there remains unanswered the issue regarding the location of a network handset in a GPS-only jurisdiction. To encourage free competition between these technologies assumes that they will compete in neighboring jurisdictions or carrier service areas. NENA urges the commission to acknowledge and consider to locate this category of roamers in its forthcoming ruling.

4. Manufacturer Participation:

The proposed market solution assumes that manufactures are eager to participate in far-reaching plan to introduce GPS-capable phones. No evidence has been submitted to date that indicates that manufactures are making wide-spread guarantees of production quotas. On the contrary, on a letter filed with the Commission, dated August 26, 1999, Motorola indicated that due to the nature of consumer demand “it is impossible to ...assert that GPS circuitry will be a standard feature for all future

handsets at this time.” (see page 3 of Motorola’s letter)

Given Motorola’s statement, it is unreasonable to believe that handset manufacturers are ready to produce the high percentage of GPS handsets to comply with the proposed market solution.

D. SOLUTION TWO, ADDRESSING EXISTING PHONES BY 2004

Some proponents suggest that for the existing base of analog phones, wireless carriers will have approximately three years past the original 2001 deadline to retrofit or replace these existing phones. NENA disagrees with this three-year extension.

Most parties agree that for new phones, the original deadline is a reasonable period for the development of the underlying technology. If the technology is purported to be ready for the 2001 deadline, or shortly thereafter, there is no compelling reason to extend the retrofit period for three additional years. To extend the period to this degree is akin to putting the economic interest of industry ahead of the very real public safety needs that exist for the users of legacy phones.

Summary

NENA urges the Commission to consider the foregoing issues in its forthcoming ruling. To require wireless carriers to do what is not currently

possible will likely result in future requests for waivers for reasons stated above.

The interests of public safety are clearly better served by a ruling that requires and mandates certain interoperability benchmarks. For the foregoing reasons, NENA respectfully submits that the Commission adopt a ruling that will address the foregoing concerns and require an even application of the requirements for both Network and GPS technologies as originally ruled.

Respectfully submitted,

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